

000515

Office of
The City Attorney
City of San Diego

MEMORANDUM
MS 59

(619) 533-5800

DATE: March 29, 2007
TO: Michelle Strauss
FROM: John Riley, Deputy City Attorney
SUBJECT: Property Damage Claim of Howard DeYoung

Attached please find Resolution R-2007-922 setting forth the approval of the City Council in Closed Session on February 6, 2007. The Auditor's Certificate was not requested prior to Council action in Closed Session. The vote taken in Open Session shall be the official vote.

Pursuant to the requirements, it is appropriate for this resolution to be placed on the next available Council docket for Council adoption confirming the Council's action in Closed Session.

It is therefore requested that it be calendared for the next available docket.

Attachment

000517

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY)105
4/24TO:
CITY ATTORNEY2. FROM (ORIGINATING DEPARTMENT):
RISK MANAGEMENT DEPARTMENT

February 7, 2007

4. SUBJECT:

SETTLEMENT OF PROPERTY DAMAGE CLAIM of HOWARD DE YOUNG ET AL.

RISK MANAGEMENT FILE #: LP06-0070-0032

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.)

Leroy Hostetler (619) 236-6619 MS #51-B

6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.)

7. CHECK BOX IF REPORT TO
COUNCIL IS ATTACHED ☐

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	2110 100				9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.	2110				\$65,000.00 - Total Settlement
ORGANIZATION	2110				
OBJECT ACCOUNT	0000 9544				
JOB ORDER	001111				
C.I.P. NUMBER					
AMOUNT	\$65,000.00				

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>[Signature]</i>	2-13-07	8	DEPUTY CHIEF	<i>[Signature]</i>	2/14/07
2	REAL ESTATE ASSETS	<i>[Signature]</i>	2-16-07	9	COO	<i>[Signature]</i>	
3	AUDITOR	<i>[Signature]</i>	3/23/07	10	CITY ATTORNEY	<i>[Signature]</i>	3/26/07
4	LIAISON OFFICE	<i>[Signature]</i>		11	ORIGINATING DEPARTMENT	<i>[Signature]</i>	2-13-07
5	Fin. Mgmt.	<i>[Signature]</i>	3/20/07	DOCKET COORD: <i>[Signature]</i> COUNCIL LIAISON: <i>[Signature]</i>			
6				COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/>			
7				REFER TO: <i>[Signature]</i> COUNCIL DATE: 4/24/07			

11. PREPARATION OF:

☐ RESOLUTION(S)☐ ORDINANCE(S)☐ AGREEMENT(S)☐ DEED(S)

1. Authorizing the Mayor to pay from the Public Liability Fund (81140) the sum of \$65,000.00 in settlement of each and every claim against the City, its agents and employees, resulting from the Property Damage Claim of Howard De Young, et al.
2. Authorizing the City Auditor and Comptroller to issue one check in the amount of \$65,000.00 payable to Torrey Pines Mens' Golf Club.
3. Authorizing the ~~City Council to transfer funds~~ *City Auditor and Comptroller to appropriate and transfer* of approximately \$65,000.00 from the General Fund unallocated reserves to the Public Liability Fund 81140.

11A. STAFF RECOMMENDATIONS:

Approve the resolution

000518

COUNCIL DISTRICT(S): 1

COMMUNITY AREA(S): NONE

ENVIRONMENTAL IMPACT: NONE

HOUSING IMPACT: This activity is not a project and therefore exempt from CEQA pursuant to the State Guidelines Section 15060(c) (3).

OTHER ISSUES: NONE

000519

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED: February 7, 2007 REPORT NO:
ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Risk Management
SUBJECT: Settlement of Property Damage Claim of Howard
De Young, et al.
City File #: LP06-0070-0032
COUNCIL DISTRICT(S): 1
CONTACT/PHONE NUMBER: Leroy Hostetler (619)236-6619

REQUESTED ACTION: Authorizing the Mayor and City Council to pay the total sum of \$65,000.00 in settlement of each and every claim against the City, its agents and employees, resulting from property damage claim of Howard De Young, et al.

STAFF RECOMMENDATION: Approve the resolution

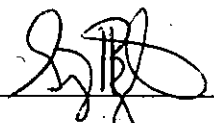
EXECUTIVE SUMMARY: The proposed settlement would resolve all claims brought by Howard De Young et al.

FISCAL CONSIDERATIONS: Settlement will be paid from the Public Liability Fund

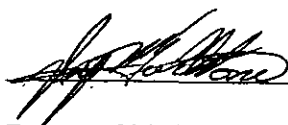
PREVIOUS COUNCIL and/or COMMITTEE ACTION: In Closed Session on February 6, 2007, by motion of Councilmember Madafffer and second by Councilmember Hueso, the City Council, by the following vote: Yeas, 8; Nays, None; all Councilmembers present.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A



Originating Department



Deputy Chief/Chief Operating Officer

000521

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

AC 2700642

ORIGINATING

DEPT. NO.:

84

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____ Fund: _____

Purpose: _____

Date: _____ By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE ☐

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$65,000.00

Vendor: Howard De Young et al.

Purpose: Authorizing the appropriation and transfer of funds from the General Fund to the Public Liability Fund for the settlement of claims against the City, its agents and employees, resulting from the Property Damage Claim of Howard De Young et al.

Date: March 23, 2007 By: 

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	100			9544					\$65,000.00
TOTAL AMOUNT										\$65,000.00

AC-361 (REV 2-92)

FUND OVERRIDE ☐

AC 2700642

000523

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
DIEGO AUTHORIZING THE SETTLEMENT BETWEEN
HOWARD DEYOUNG, ET AL. AND THE CITY OF SAN
DIEGO IN THE AMOUNT OF SIXTY-FIVE THOUSAND
DOLLARS

WHEREAS, in Closed Session on February 6, 2007, by motion of Councilmember
Madaffer and second by Councilmember Hueso, the City Council, by the following vote: Yeas,
8; Nays, None; all Councilmembers present, approved the following motion:

Authorizing the City of San Diego to enter into a global settlement related to the lawsuit
of San Diego Superior Court case *Howard DeYoung, et al. v. City of San Diego*, Case No.
GIC 849647.

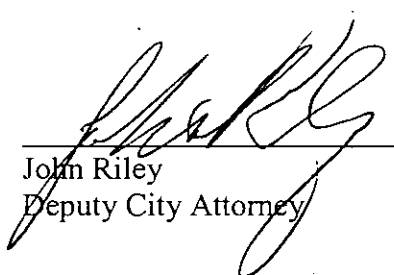
BE IT RESOLVED, by the Council of the City of San Diego, in accordance with the
settlement agreement related to preferential tee times at Torrey Pines Golf Course negotiated
between Plaintiffs, the Hilton Hotel which adjoins the Torrey Pines Golf Course and the City of
San Diego, that the Mayor or his designee is hereby authorized and empowered to pay the total
sum of Sixty-Five Thousand Dollars (\$65,000.00) as part of the settlement of each and every
claim against the City of San Diego, its agents and employees, in San Diego Superior Court Case
No. GIC 849647, entitled *Howard DeYoung, et al. v. City of San Diego*.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby
authorized to issue one check in the amount of Sixty-Five Thousand Dollars (\$65,000.00) made
payable to Torrey Pines Mens Golf Club as part of the settlement of the lawsuit and of all claims.

BE IT FURTHER RESOLVED, that said funds are to be payable from the Public
Liability Fund 81140.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


John Riley
Deputy City Attorney

JR:my
3/26/2007
Or.Dept:Risk
R-2007-922
Aud. Cert: AC2700642

I hereby certify that the foregoing Resolution was passed by the Council of the City of San
Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor